

RECEIVED  
CENTRAL FAX CENTER

REMARKS

MAY 13 2007

This Reply is being filed in response to the Final Office Action ("Office Action") dated February 7, 2007. This Reply is timely filed. At the time of the Office Action, claims 1-9 were pending in the application. Note that the Office Action Summary states that claims 1-10 are pending. Claims 10-25 were previously canceled. Claims 1-3, 6 and 7 are allowed. Claims 4 and 8 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 5 and 9 are objected to as being dependent upon a rejected base claim. The rejections are set out in more detail below.

I. Allowable Subject Matter

Applicant notes with appreciation that the Examiner has indicated that claim 1-3 and 6-7 are allowable. In addition, the Examiner has indicated claims 5 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As discussed below, Applicant has amended base claims 4 and 8 to overcome the rejection under 35 U.S.C. §112, second paragraph, and believes these claims to be in condition for allowance. Accordingly, Applicant believes claims 5 and 9 are allowable by virtue of their dependency upon an allowable base claim.

II. Claim Rejections based on §112

The Examiner rejected claims 4 and 8 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that the claims contain the term "desires to load" which imposes no limitation upon the claimed invention. Applicant has amended the claims by removing the term "desires" and inserting additional language into the claims to more distinctly claim the invention.

Applicant believes that claims 4 and 8 as amended are in condition for allowance and the rejection of the claims under 35 U.S.C. §112, second paragraph, must be withdrawn.

{00015162,3}

05-03-2007 02:00PM FROM-Sacco & Assoc.,P.A.

5616262681

T-399 P.009/009 F-589

Serial No. 10/070,677

Amendment dated: May 3, 2007

Response to Office Action dated: February 7, 2007

RECEIVED  
CENTRAL FAX CENTER

III. Objected to Claims

MAY 3 2007

The Examiner objected to claims 5 and 9 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 5 depends from base claim 4 and claim 9 depends from base claim 8. As previously discussed, applicant believes base claims 4 and 8 as amended are in condition for allowance. In view of the foregoing, applicant believes that claims 5 and 9 are in condition for allowance at least by virtue of their dependency upon allowable base claims.

IV. Conclusion

The rejection of claims 4 and 8 under 35 USC §112, second paragraph, must be withdrawn since Applicant has amended the claims to conform to the Examiner's requirements. The rejection of claims 5 and 9 must be withdrawn since these claims depend upon allowable base claims. Accordingly, Applicant believes all claims are in a condition for allowance and requests that a Notice of Allowance be issued.

The Commissioner is hereby authorized to charge any fees which may be due by submission of this document to Deposit Account No. 50-2884.

Respectfully submitted,

Date 5-3-07



Robert J. Sacco  
Registration No. 35,667  
SACCO & ASSOCIATES, P.A.  
P.O. Box 30999  
Palm Beach Gardens, FL 33420-0999  
Tel) 561-626-2222  
Fax) 561-626-2681

{00015162;3}